

Senate Bill No. 1259

Passed the Senate August 23, 2004

Secretary of the Senate

Passed the Assembly August 19, 2004

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Sections 32553, 32556, and 32569 of, and to repeal Section 32556.2 of, the Public Resources Code, relating to the Baldwin Hills Conservancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1259, Murray. Public resources: Baldwin Hills Conservancy: property acquisition: appraisals.

Existing law establishes the Baldwin Hills Conservancy in the Resources Agency for the purpose, among other things, of acquiring lands for open space within the territory of the conservancy.

This bill would revise the description of the Baldwin Hills area to include Vista Pacifica and the Blair Hills area, and exclude from the Ballona Creek area, the area constituting Culver City. The bill would also revise the composition of the governing board of the conservancy with respect to the 6 members of the public appointed by the Governor who are residents of Los Angeles County. The bill would delete obsolete provisions that required a study of environmental and recreational uses of the Ballona Creek area.

Existing law authorizes the conservancy to acquire real property at fair market value and consistent with the Property Acquisition Law, except that the acquisition price of lands acquired from public agencies may be based on the public agencies' costs to acquire the land.

This bill would authorize the conservancy to contract with certified appraisers who are licensed by the state or who are employed by a public agency, other than the Department of General Services, who have oilfield acquisition and management experience, to conduct a standard state land appraisal required for the land acquisition approval process of the State Public Works Board.

The people of the State of California do enact as follows:

SECTION 1. Section 32553 of the Public Resources Code is amended to read:



32553. As used in this division, the following terms have the following meaning:

(a) “Baldwin Hills area” means the land area currently within the Kenneth Hahn State Recreation Area, the Baldwin Hills community, the surrounding property bordered on the south by Slauson Avenue, and on the east by La Brea Avenue, including the approximately 21 acres of land zoned RE40 and bordered by La Brea Avenue on the east, Don Alberto Place to the south, and Don Ricardo Drive on the north, and including a spur of land extending from Stocker Street to an area between La Brea Avenue and Crenshaw Boulevard, Vista Pacifica, and the Blair Hills area, as designated on the Baldwin Hills Conservancy Map, dated August 1, 2004. “Baldwin Hills area” also includes Ballona Creek and adjacent property within 50 yards of Ballona Creek on either side, from the Santa Monica Freeway (Interstate 10) to the Marina Freeway (Interstate 90), excluding the area constituting Culver City. Ballona Creek is included in the Baldwin Hills area for purposes of connectivity.

(b) “Board” means the governing board of the Baldwin Hills Conservancy.

(c) “Conservancy” means the Baldwin Hills Conservancy.

(d) “Fund” means the Baldwin Hills Conservancy Fund created pursuant to subdivision (b) of Section 32574.

(e) “Nonprofit organization” means an exempt organization under Section 501(c)(3) of the Internal Revenue Code.

(f) “Territory” means the land in the Baldwin Hills area that is under the jurisdiction of the conservancy.

SEC. 2. Section 32556 of the Public Resources Code is amended to read:

32556. (a) The board shall consist of 13 voting members and six nonvoting members.

(b) The 13 voting members of the board shall consist of the following:

(1) The Secretary of the Resources Agency, or his or her designee.

(2) The Director of Parks and Recreation, or his or her designee.

(3) The Director of Finance, or his or her designee.

(4) The Director of the Los Angeles County Department of Parks, or his or her designee.



(5) The member of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located.

(6) Six members of the public appointed by the Governor who are residents of Los Angeles County and who represent the diversity of the community surrounding the Baldwin Hills area. Of those six members, four members shall be residents of the adjacent communities of Blair Hills, Ladera Heights, Baldwin Hills, Windsor Hills, Inglewood, View Park, or Baldwin Vista.

(7) A resident of Los Angeles County appointed by the Speaker of the Assembly, and a resident of Los Angeles County appointed by the Senate Committee on Rules.

(c) The six nonvoting members shall consist of the following:

(1) The Secretary of the California Environmental Protection Agency, or his or her designee.

(2) The Executive Officer of the State Coastal Conservancy, or his or her designee.

(3) The Executive Officer of the State Lands Commission, or his or her designee.

(4) An appointee of the Governor with experience in developing contaminated sites, commonly referred to as “brownfields.”

(5) The Executive Director of the Santa Monica Mountains Conservancy, or his or her designee.

(6) The Director of the Culver City Human Services Department, or his or her designee.

(d) A quorum shall consist of seven voting members of the board, and any action of the board affecting any matter before the board shall be decided by a majority vote of the voting members present, a quorum being present. However, the affirmative vote of at least four of the voting members of the board shall be required for the transaction of any business of the board.

SEC. 3. Section 32556.2 of the Public Resources Code is repealed.

SEC. 4. Section 32569 of the Public Resources Code is amended to read:

32569. (a) The conservancy may award grants to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of this division.



(b) Grants to nonprofit organizations for the acquisition of real property or interests in real property shall be subject to all of the following conditions:

(1) The conservancy may acquire property at fair market value and consistent with the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), except that the acquisition price of lands acquired from public agencies may be based on the public agencies' cost to acquire the land.

(2) The conservancy shall approve the terms under which the interest in land is acquired.

(3) The interest in land acquired pursuant to a grant from the conservancy may not be used as security for any debt incurred by the nonprofit organization unless the conservancy approves the transaction.

(4) The transfer of land acquired pursuant to a grant shall be subject to the approval of the conservancy and the execution of an agreement between the conservancy and the transferee sufficient to protect the interests of the conservancy.

(5) The conservancy shall have a right of entry and power of termination in and over all interests in real property acquired with state funds, which may be exercised if any essential term or condition of the grant is violated.

(6) If the existence of the nonprofit organization is terminated for any reason, title to all interest in real property acquired with state funds shall immediately vest in the conservancy, except that, prior to that termination, another public agency or nonprofit organization may receive title to all or a portion of that interest in real property, by recording its acceptance of title, together with the conservancy's approval, in writing.

(c) Any deed or other instrument of conveyance whereby real property is acquired by a nonprofit organization pursuant to this section shall be recorded and shall set forth the executory interest or right of entry on the part of the conservancy.

(d) The conservancy may contract with certified appraisers who are licensed by the state or who are employed by a public agency, other than the Department of General Services, who have oilfield acquisition and management experience, to conduct a standard state land appraisal required for the land acquisition approval process of the State Public Works Board. No public



agency other than the Department of General Services shall be used for a final review of an appraisal for a project subject to approval of the State Public Works Board.



Approved _____, 2004

Governor

